

AFFIDAVIT OF DANIEL P. CONLON
IN SUPPORT OF A CRIMINAL COMPLAINT

I, Daniel P. Conlon, being duly sworn, state that the following is true to the best of my knowledge, information, and belief:

INTRODUCTION AND AGENT BACKGROUND

1. I have been a Special Agent with the Federal Bureau of Investigation ("FBI") for approximately 27 years. I initially was assigned to the FBI's New York Division, where I worked Organized Crime matters for approximately seven years in New York City. In 2003, I was assigned to a Violent Crime Squad at the White Plains (NY) Resident Agency where I worked drug and weapons-related crimes for approximately 18 years. I currently am assigned to the Lakeville Resident Agency within the FBI's Boston Division, where I investigate a wide variety of federal criminal offenses, including bank robberies, drug and weapons-related crimes, and white-collar crime offenses, including public corruption and health care fraud. I have been an affiant on numerous affidavits for criminal complaints, Title III intercepts, and search and seizure warrants involving bank accounts, residences, vehicles, and cellular telephones. My investigations have included the use of surveillance techniques and the execution of search, seizure, and arrest warrants.

2. I make this affidavit in support of a criminal complaint charging Romane Clayton, DOB XX/XX/2002, with accessory after the fact in relation with the armed robbery on Thursday, November 17, 2022, of a branch of the Rockland Trust bank, located at 257 Edgartown Road in Tisbury, Massachusetts, in violation of 18 U.S.C. § 3. On the date of the robbery, Rockland Trust was insured by the Federal Deposit Insurance Corporation. The facts stated herein are based on my own personal involvement with this investigation, as well as on information provided to me by other law enforcement officers involved in the investigation. In submitting this affidavit, I

22-MJ-1557-DLC

have not included each and every fact known to me about this investigation; rather, I am only submitting enough evidence to establish the requisite probable cause.

THE INVESTIGATION AND IDENTIFICATION OF CLAYTON

3. On December 1, 2022, Miquel Anthonio Jones and Omar Odion Johnson each was charged by complaint with the armed robbery on Thursday, November 17, 2022, of a branch of the Rockland Trust bank, located at 257 Edgartown Road in Tisbury, Massachusetts, in violation of 18 U.S.C. §§ 2113(a) and (d) and 18 U.S.C. § 2. *See* 22-MJ-1535 (Jones), Dkt. No. 2; 22-MJ-1536 (Johnson), Dkt. No. 2. My sworn affidavit in support of each complaint is attached as Exhibit 1 and incorporated herein.

4. Throughout my affidavit, I referenced an individual involved with the bank robbery as “Person 2.” *See* Ex. 1 at ¶¶ 24 & n.7, 31-32, 44-47. The individual who I referred to as Person 2 is Romane Clayton, DOB: XX/XX/2002. In the paragraphs that follow, I will highlight the facts that support probable cause specifically as to Clayton, previously referred to as Person 2. I will not restate the additional facts related to the bank robbery and subsequent investigation that are outlined in greater detail in Exhibit 1 and incorporated herein.

5. On November 18, 2022, the day following the robbery, law enforcement reviewed surveillance video from the Steamship Authority terminal in Vineyard Haven. The video showed the following: On November 17, 2022, at approximately 8:57 AM, a silver sedan¹ entered the Stop & Shop parking lot located directly across the road from the Steamship Authority terminal. Two Black males² exited the vehicle and entered the Steamship Authority terminal building. At

¹ Law enforcement subsequently determined that this car is a silver Nissan Maxima that is registered to Johnson’s wife at Johnson’s address in Canterbury, New Hampshire.

² As outlined below, one of these males subsequently was identified by both Johnson and Jones as Clayton.

22-MJ-1557-DLC

approximately 9:00 AM, the two males bought ferry tickets, for which they paid in cash. At approximately 9:02 AM, the two males returned to the silver sedan in the Stop & Shop parking lot. At approximately 9:21 AM, the two males exited the silver sedan, returned to the Steamship Authority terminal, and boarded a ferry. *See Ex. 1 at ¶ 14.* At approximately 9:53 AM, a dark blue or black sedan³ missing a rear hubcap on its driver's side entered the Stop & Shop parking lot. At approximately 9:55 AM, a subject unknown at the time,⁴ who was wearing a blue-colored hooded sweatshirt, exited the passenger side of the dark blue or black sedan and went to the silver sedan, at which point he entered the driver's seat of the silver sedan. Law enforcement noted that the dark-colored sedan then left the Stop & Shop parking lot. At approximately 10:10 AM, the Black male in a blue-colored hooded sweatshirt (subsequently identified as Johnson) drove the silver sedan up to the Steamship Authority terminal's vehicle reservation clerk booth. The silver sedan then drove to the standby vehicle lane in the Steamship Authority's parking lot. At approximately 10:15 AM, Johnson left the silver sedan and entered the terminal ticket office. He purchased a vehicle ferry ticket, then returned to the silver sedan and, in that sedan, boarded a freight ferry at approximately 12:24 PM.

6. On November 18, 2022, Jones was subject to a motor vehicle stop, agreed to speak with investigators, and was interviewed at the Massachusetts State Police Barracks in Oak Bluffs. *See Ex. 1 at ¶¶ 17-24.* During this interview, Jones was shown multiple screenshot images of the Steamship Authority surveillance footage, including images of the three then-unknown Black males associated with the Elantra. Jones identified one Black male, wearing a grey hooded

³ Law enforcement subsequently determined that this car is a black, 2007 Hyundai Elantra that was registered to Johnson at his Canterbury, New Hampshire address.

⁴ This individual wearing a blue hooded sweatshirt subsequently was identified by both Johnson and Jones as Johnson.

22-MJ-1557-DLC

sweatshirt, as Clayton, and another Black male, wearing a blue hooded sweatshirt, as Johnson. Jones explained that both Johnson and Clayton are the brothers of Jones's significant other. Jones also stated that Johnson was at Jones's residence ("Residence 1")⁵ with Jones on Wednesday, November 16, 2022, and remained overnight there until Thursday, November 17, 2022.

7. On November 19, 2022, Jones was arrested by Massachusetts state law enforcement on state charges of accessory after the fact with regard to the bank robbery.⁶

8. On November 20, 2022, at approximately 4:40 PM, after Jones had been arraigned, MSP Troopers interviewed Jones at the Dukes County Jail. Jones waived his *Miranda* rights and agreed to be interviewed. During the interview, Jones restated information that he had provided in earlier interviews and indicated that both Johnson and Clayton were present with him, and stayed at, Residence 1, and remained there overnight on Wednesday, November 16, 2022, into Thursday, November 17, 2022.

9. On November 20, 2022, at approximately 7:00 PM, law enforcement interviewed A.C., who is a renter of Residence 1 in Edgartown. A.C. stated that Jones, Johnson, and Clayton were not at the residence at Residence 1 on November 16, 2022, and were not there overnight into November 17, 2022.

NEW HAMPSHIRE SEARCH WARRANT AND INTERVIEW OF JOHNSON

10. On November 21, 2022, three federal search warrants were issued by the United

⁵ The location of Residence 1 is known to law enforcement. However, this investigation is ongoing and public disclosure of its address potentially would alert the investigation's targets and cause them to flee or destroy evidence. Accordingly, to preserve the confidentiality and integrity of the ongoing investigation, the address of Residence 1 remains undisclosed in this affidavit.

⁶ On November 28, 2022, Jones also was charged with armed and masked bank robbery and conspiracy in the Edgartown District Court, though he has yet to be arraigned on those charges.

22-MJ-1557-DLC

States District Court for the District of New Hampshire: (1) 22mj246-01-AJ, for Johnson's residence in Canterbury, New Hampshire; (2) 22mj248-01-AJ, for a 2009 silver, Nissan Maxima registered to a female⁷ at Johnson's Canterbury, New Hampshire residence ("the Maxima"); and (3) 22mj247-01-AJ, for the person of Johnson.

11. On November 22, 2022, at approximately 3:00 AM, federal and state law enforcement searched Johnson's residence in Canterbury, New Hampshire pursuant to the federal warrant. The Maxima was seized and towed to the New Hampshire State Police ("NHSP") barracks in Concord, New Hampshire.

12. At the NHSP barracks, law enforcement executed the search warrant for the Maxima. They found a Webster Bank deposit receipt in the driver's seat foot area, which showed that \$4,100 was deposited in two cash deposits at a terminal in Waterbury, Connecticut on November 20, 2022.

13. The first cash deposit was at 10:27 AM in the amount of \$3040.00. The quantities of denominations of cash deposited were listed as:

$$(7) \times \$20 = \$140.00$$

$$(8) \times \$50 = \$400.00$$

$$(25) \times \$100 = \$2500.00$$

14. The second cash deposit was recorded at 10:29 AM in the amount of \$1060.00. The quantities of denominations of the second cash deposit were listed as follows:

$$(3) \times \$20 = \$60.00$$

$$(20) \times \$50 = \$1000.00$$

⁷ The adult female has been identified by law enforcement as Johnson's wife. Her identity is redacted here to protect her privacy.

22-MJ-1557-DLC

15. As is noted in Exhibit 1, at the bank robbery on November 17, the robbers removed a sum of U.S. currency from the vault and placed it into a duffle bag. A post-robbery audit determined that the robbers took \$39,100.00. The quantities of denominations of the stolen funds are as follows:

$$(200) \times \$100 = \$20,000$$

$$(100) \times \$50 = \$5,000$$

$$(300) \times \$20 = \$6,000$$

$$(300) \times \$10 = \$3,000$$

$$(800) \times \$5 = \$4,000$$

$$(550) \times \$2 = \$1100$$

16. Johnson also was present at the Canterbury residence and agreed to speak with investigators. He was transported to the NHSP Barracks in Concord, New Hampshire, where he was administered and waived his *Miranda* rights and agreed to be interviewed. The transport and the interview were audio recorded. The following paragraphs summarize portions of the interview and are not an intended to be a verbatim account of the complete interview.

17. Johnson explained to investigators that on Wednesday, November 16, 2022, he traveled to Martha's Vineyard on the Steamship Authority ferry. Johnson stated that upon driving off the Steamship Authority ferry in Tisbury, on Martha's Vineyard, on Wednesday, November 16, 2022, he met with Jones and Clayton at "19." Johnson stated that the purpose of his trip to Martha's Vineyard was for him and Clayton to meet with Jones and discuss Jones's infidelities while in a relationship with Johnson's and Clayton's sister, with whom Jones has children in common. Johnson stated to investigators that he remained overnight at Jones's residence, in a second-floor bedroom.

22-MJ-1557-DLC

18. Johnson stated that he was awoken the following morning, Thursday, November 17, 2022, by Jones knocking on the bedroom door at approximately 8:30 AM. Johnson stated that he was told by Clayton that Clayton wanted to leave Martha's Vineyard, at which time Johnson gave Clayton the Maxima and Clayton drove to the Steamship Authority in Tisbury. Johnson stated that later in the morning, he, Johnson, drove with Jones in the Elantra, and subsequently was dropped off in the Stop and Shop parking lot across from the Steamship Authority, at which time he picked up his Maxima that Clayton had driven there. Johnson stated that he departed Martha's Vineyard on the Steamship Ferry on Thursday, November 17, 2022, and picked up Clayton in Woods Hole, upon driving off the ferry. Johnson stated that only he and Clayton drove back to New Hampshire in the Maxima.

19. Law enforcement then provided Johnson with three photographs from Steamship Authority terminal surveillance footage from November 17, 2022. Consistent with Jones's prior identifications, Johnson identified himself wearing the blue hooded sweatshirt and Clayton as the male wearing the grey hooded sweatshirt. Johnson stated that he did not know the third male, who was wearing a white jacket ("Person A"), and stated he had never seen that male before.

20. Johnson was then shown surveillance video from Woods Hole of a silver sedan, which he identified as the Maxima and which he was operating. Johnson was further shown footage from the same video of two males entering his vehicle. Johnson again identified Clayton as one of the males but told investigators he did not know who the other male, Person A, was. Revising his earlier statement, he indicated that he had not seen Person A before they met in Woods Hole. Johnson stated that Person A accompanied him and Clayton to New Hampshire, at which time Johnson stated that he dropped him off on the highway, at an unknown exit.

21. Law enforcement was able to obtain video surveillance from the Webster Bank

22-MJ-1557-DLC

branch in Waterbury, Connecticut and observed the Maxima pulling into the bank's parking lot and driving to the ATM terminal. The individual on the video making the cash deposits appears to be a Black male ("Person B").⁸ There appears to be a passenger in the front seat, who also appears to be a Black male. Neither Person B nor the passenger appears to be Johnson or Jones.

22. On Friday, November 25, 2022, a state criminal complaint and arrest warrant were issued by the Edgartown District Court, which charged Johnson with masked armed bank robbery and conspiracy to commit masked armed bank robbery (22-CR-00641).

23. On Friday, November 25, 2022, at approximately 8:20 PM, Johnson was arrested on the state warrant in New Haven, Connecticut. At the time of his arrest, Johnson was driving a Honda CR-V that is registered to his wife. Also present in the vehicle were Person B and Clayton. Person B was seated behind Johnson, in the left back seat. Clayton was seated in the front passenger seat. Neither Person B nor Clayton was placed under arrest and both were told that they were free to leave. At this time, both agreed to speak with law enforcement.

24. Person B was interviewed at the scene and gave conflicting accounts of his whereabouts over the prior few days and denied any involvement in the robbery of the Rockland Trust bank. Law enforcement confronted Person B with the fact that he had made cash deposits at a Webster Bank ATM on November 20, 2022, and Person B confirmed that he had made the deposits. Person B stated that he was depositing some savings that he had accumulated from his work. Person B stated that the other person in the Maxima with him while he was making the

⁸ The identity of Person B is known to law enforcement. However, this investigation is ongoing and public disclosure of Person B's actual name potentially would compromise his/her safety and/or alert the investigation's targets and cause them to flee or destroy evidence. Accordingly, to preserve the confidentiality and integrity of the ongoing investigation and to protect Person B, the actual name of Person B remains undisclosed in this affidavit.

22-MJ-1557-DLC

deposits was Clayton.

25. Clayton, who also was advised that he was not under arrest and free to leave, also agreed to speak with law enforcement and agreed to accompany law enforcement to the New Haven Police Station. Once at the station, Clayton gave conflicting accounts of his whereabouts over the last few days and denied any involvement in the robbery of the Rockland Trust bank.

26. During the interview, Clayton indicated that his telephone number was XXX-XXX-9678. Clayton indicated that his phone was in the Honda CR-V and asked to get it back. Investigators brought to Clayton a phone that had been found in the front passenger seat where Clayton had been sitting, and Clayton confirmed that was his phone. Investigators informed Clayton that they would be seizing the phone. After the phone had been seized and the interview concluded, investigators called a phone number believed to be associated with Clayton, XXX-XXX-9678, and that number caused Clayton's phone to ring.

ANALYSIS OF CELLULAR PHONE RECORDS AND DATA

27. On December 6, 2022, law enforcement received, pursuant to a federal search warrant, records from T-Mobile for an account with the telephone number XXX-XXX-9678. As described above, this number had been identified as being used by Clayton. The subscriber and billing records do not list any subscriber name or address, but show that the account was activated on October 8, 2022. Included in the T-Mobile records were call detail records ("CDRs") with cell site location information.⁹

28. An initial review of the T-Mobile records for the account associated with telephone

⁹ CDRs with cell site location information show the date and time of a cellular transaction as well as the cell site, sector, and directionality of the sector the phone connected to during a cellular transmission.

22-MJ-1557-DLC

number XXX-XXX-9678 revealed the device had utilized cell sites nearly exclusively on Martha's Vineyard, Falmouth, and surrounding areas between October 13, 2022, and November 16, 2022. On November 16, 2022, Clayton exchanged five phone calls with Jones's telephone number, XXX-XXX-2338, throughout the day (three incoming, two outgoing). Those were the only calls that took place that day, the last of which was incoming at approximately 5:20 PM local time. All calls occurred through the cell site located at 90 Alpine Avenue in Oak Bluffs, Massachusetts. This is consistent with the data obtained from T-Mobile and Google as to the locations of cellular phones belonging to Johnson and Jones, which showed that on November 16 and overnight into November 17, Johnson's and Jones's devices were at a residence in Oak Bluffs ("Residence 2").

See Ex. 1 at ¶¶ 52-53.

29. On November 17, 2022, the first call in Clayton's records was outbound at 9:58 AM to XXX-XXX-5676 through a cell site on Dump Road, with a sector facing north, approximately 400 yards due west of the crime scene. This tower sits approximately two miles south of the coast in the direction that a ferry would travel to Woods Hole. There are no other T-Mobile cell sites farther north in Tisbury, so this cell site likely would provide coverage to any T-Mobile customers using their phone near the coast or on the ferry near Tisbury. 26 minutes after this 9:58 AM call, Clayton's device received a phone call from Johnson's telephone number XXX-XXX-3465, which lasted 18 seconds. For that call, Clayton's device utilized a cell site in Woods Hole, Massachusetts, which is where the ferry from Martha's Vineyard docks. Those were the only two calls on November 17, 2022, involving Clayton's device.

30. Data sessions associated with Clayton's device are consistent with the device leaving Martha's Vineyard and traveling up into New Hampshire in the evening on November 17, 2022. At 8:15 AM and again at 9:00 AM on November 18, 2022, Clayton's device placed

22-MJ-1557-DLC

outgoing calls utilizing a cell site in Canterbury, New Hampshire. Clayton's device subsequently received an incoming call at 8:44 AM on November 19, 2022, through a cell site in Waterbury, Connecticut, which indicates that his device had traveled from New Hampshire to Connecticut. Clayton's device continued to utilize cell sites in Connecticut through the duration of the records on November 26, 2022.

31. Based on my training and experience, I believe that Clayton usually was carrying his phone on his person as I know most individuals who use cellphones do, and accordingly I further believe that the foregoing cellular phone data demonstrates that Johnson, Jones, and Clayton were together at Residence 2 on November 16. After the robbery, while Jones and Johnson traveled to a local farm, where investigators later obtained evidence consistent with firearms and other property used during the bank robbery, *see* Ex. 1 at ¶¶ 53-60, Clayton traveled to the Steamship Authority ferry terminal, and then on to Woods Hole. This is consistent with the Steamship Authority ferry terminal surveillance video, which shows that around 8:47 AM, Clayton and Person A arrived at the Stop and Shop across from the Steamship authority in the Maxima. They entered the Steamship Authority terminal building and purchased ferry tickets with cash at around 9:00 AM. And at approximately 9:21 AM, they boarded a ferry and departed Martha's Vineyard for Woods Hole.

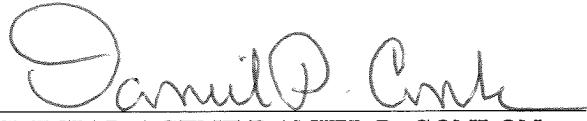
CONCLUSION

32. In brief summary, I believe the evidence described above and in Exhibit 1, incorporated herein, shows the following: On the evening of November 16, 2022, and into the morning of November 17, Clayton, Jones, and Johnson were together at Residence 2 in Oak Bluffs. Jones's significant other is Johnson's and Clayton's sister. The next day, after the bank robbery took place, a Hyundai Elantra registered to Johnson was captured on bus surveillance video in the

22-MJ-1557-DLC

parking lot where the robbers left the car they had used to escape from the bank. *See* Ex. 1 at ¶¶ 11, 22. Approximately one hour later, Jones and Johnson went to a farm that is linked to Jones through his employment, where they apparently attempted to destroy evidence and bury other evidence not susceptible to destruction by fire—specifically two handguns visually consistent with the guns depicted in the Rockland Trust surveillance video. *Id.* at ¶¶ 53-60. While Jones and Johnson were at the farm, Clayton and Person A traveled to the Steamship Authority ferry terminal in the Maxima that is registered to Johnson's wife. *Id.* at ¶¶ 14, 24, 46. They purchased ferry tickets in cash and left Martha's Vineyard by ferry at approximately 9:30 AM, leaving the Maxima in the Stop and Shop parking lot across from the Steamship Authority. *Id.* After Jones and Johnson went to the farm, they traveled to the Steamship ferry terminal in Johnson's Elantra. Jones left, remaining on Martha's Vineyard, while Johnson retrieved the Maxima from the Stop and Shop parking lot, purchased a ferry ticket, and eventually departed Martha's Vineyard in the Maxima on a freight ferry at approximately 12:24 PM. *Id.* Johnson then reconvened with Clayton and Person A in Woods Hole and the three men drove to New Hampshire. *Id.* at ¶ 47. Three days after the robbery, Person B and Clayton, in the Maxima, deposited \$4,100 in cash at a bank in Connecticut. *Id.* at ¶¶ 37-39, 49.

33. Based on the foregoing, I submit there is probable cause to believe that on November 17, 2022, Johnson and Jones committed the crime of armed bank robbery, in violation of 18 U.S.C. § 2113(a) and (d), of which Clayton was aware, and Clayton thereafter intentionally received, relieved, comforted, or assisted Jones and Johnson in order to hinder and prevent their apprehension, trial, or punishment for the crime of armed bank robbery, in violation of 18 U.S.C. § 3.



SPECIAL AGENT DANIEL P. CONLON

22-MJ-1557-DLC

FEDERAL BUREAU OF INVESTIGATION

SWORN to before me by telephone in accordance with Fed. Rule Crim. P. 4.1
this 7 day of December, 2022.

HONORABLE DONALD L. CABELL
UNITED STATES MAGISTRATE JUDGE

